

REMARKS

INTRODUCTION:

No new matter is being presented, and approval and entry of this Response is respectfully requested. Claims 1 – 13 are pending and under consideration. Claims 1, 4 and 8 have been amended to meet Objections raised by the Examiner. New claim 13 is previously presented claim 11 rewritten as an independent claim, which should be allowable according to Numbered Paragraph 7 in the current Office Action. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant respectfully requests entry of this Rule 116 Response and Request for Reconsideration. The amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed. Further, the amendments do not significantly alter the scope of the claims and they place the application into at least a better form for appeal.

The Manual of Patent Examining Procedure sets forth in § 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” (emphasis added) Moreover, § 714.13 states that “the proposed amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The Manual of Patent Examining Procedure further articulates that any reason for non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 37 U.S.C. §102:

In the Office Action, at page 2, numbered paragraph 2, claims 1, 2, and 4 – 8 are rejected under 37 U.S.C. §102(e) as being anticipated by Mortsof et al US Patent 6,229,804 B1 (hereinafter “Mortsof”). The reason for the rejection is set forth in the Office Action and therefore

not repeated. Claims 1, 4, and 8 are independent, and claims 2, and 5 – 7 are dependent. This rejection is traversed and reconsideration is requested.

The deficiencies in the previous claims indicated by the Examiner at page 6, numbered paragraph 6, have been corrected in the Currently Amended claims.

Each of the Currently Amended claims 1, 4, and 8 now specifies a telecommunication apparatus, which includes “means for allowing an end user to initiate and receive voice and data calls”.

Referring to Fig. 2 in the application, such means for an end user to initiate or receive calls, may be, for example, the display and keyboard 230, the telephone headset, telephone handset or speakerphone 240, the PC interface 260 or the local interface 270 connecting a local telephone or fax.

All of these items are clearly shown and described in the present patent application. The analog interface 250 with its PSTN port 252 and the digital interface 210 with its PBDN port 212 are not means for an end user to initiate and receive calls.

The Currently Amended claims 1, 4, and 8 further specify “single channel gateway means for establishing a path ... inside said apparatus”. This specification is fully supported by the text of the application.

In the Mortsof reference, the apparatus 16 or 23 (Figs 1 and 2, and associated text) gets a call from one network, e.g. the Internet and converts and continues the call on another network, e.g. the PSTN, or vice versa. As the Examiner points out, this may be described as receiving and initiating calls, however such receiving or initiation are not done by any means available to an end user. Any such “initiation” of a call on one network, is done as a result of “receiving” a call from another network. The apparatus 16 or 23 does not include means for an end user to initiate or receive the calls. Instead, end users initiate and receive calls using telephones (10, 22) and computers (12, 24), at the user’s location in another end of the PSTN or the Internet. These devices do not include any gateway means

Mortsolf does not disclose a telecommunication apparatus that combines means for allowing an end user to initiate and receive calls and a single channel gateway means in the apparatus, so the apparatus can serve as part of a distributed gateway system. Mortsolf does not anticipate the present invention as specified in the Currently Amended claims.

Claims 2, 3, and 5 – 7 are dependent on the Currently Amended independent claims, and will be allowable if the independent claims are allowed.

REJECTIONS UNDER 35 USC §103:

In the Office Action, at page 5, numbered paragraphs 4 and 5, claims 3 and 10 are rejected as being unpatentable over Mortsolf in view of Chan, and Mortsolf in view of Bhattacharaya et al, respectively. This rejection is respectfully traversed, and reconsideration is requested.

Claim 3 depends directly on independent claim 1, and claim 10 depends indirectly on claim 8. If claims 1 and 8 are allowable, as argued above, the dependent claims 3 and 10 will also be allowable.

NEW CLAIM 13:

In numbered paragraph 7 on page 7 of the Office Action the Examiner objected to claims 9, 11 and 12, indicating that these claims would be allowable if rewritten in independent form. By this amendment, claim 11 has been rewritten in independent form as new claim 13. Therefore, it is submitted that claim 13 is in condition for allowance.

Claims 9 and 12 depend from claims 8 and 4, respectively, and include all of the features of the claim from which they depend plus additional features which patentably distinguish over the prior art. Therefore, it is submitted that claims 9 and 12 patentably distinguish over the prior art.

REQUEST FOR EXAMINER INTERVIEW

Applicant requests that the Examiner grant a telephone interview to discuss the subject application after the Examiner has had an opportunity to review this Amendment. The purpose of the interview would be to discuss the amended claims and the prior art, to expedite the prosecution of this application.

AUTHORIZATION TO ACT IN A REPRESENTATIVE CAPACITY

An Authorization to Act in a Representative Capacity is being submitted herewith. It is respectfully requested that this Authorization be entered in the file.

CONCLUSION:


It is submitted that none of the references, either taken alone or in combination, teach the present claimed invention. Thus, claims 1-13 are deemed to be in a condition suitable for allowance. Reconsideration of the claims and an early notice of allowance are earnestly submitted.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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